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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 CLIFFORD SCHUETT,

10 *Plaintiff*

11 vs.

12 MS. COLLINS, *et al.*,

13 *Defendants*

2:13-cv-01265-APG-NJK

ORDER

14  
15 Plaintiff has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983, but has not paid  
16 the filing fee or presented an application to proceed in *forma pauperis*.

17 Without the filing fee or leave to proceed in *forma pauperis*, the matter has not been properly  
18 commenced. *See* 28 U.S.C. § 1915(a) and Local Rule LSR1-2 (to proceed with a civil action without  
19 prepaying the required filing fee a petitioner must submit a sworn affidavit stating all his assets and  
20 attach both an inmate account statement for the past six months and a properly executed financial  
21 certificate.)

22 Because it does not appear from the papers presented that a dismissal without prejudice will  
23 materially affect a later analysis of any timeliness issue with regard to a promptly filed new action,  
24 the present action will be dismissed without prejudice to the filing of a new complaint in a new action  
25 with a pauper application on the proper form with all required attachments.

26 **IT THEREFORE IS ORDERED** that the action shall be **DISMISSED** without prejudice to  
27 the filing of a new complaint in a new action with a properly completed pauper application.  
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1       **IT FURTHER IS ORDERED** that the Clerk shall send plaintiff two copies each of an  
2 application form to proceed *in forma pauperis* for incarcerated persons and a § 1983 civil rights  
3 complaint form, one copy of the instructions for each form, and a copy of the papers that he submitted  
4 in this action.

5       The Clerk of Court shall enter final judgment accordingly in favor of respondents and against  
6 plaintiff, dismissing this action without prejudice.

7       DATED: August 1, 2013.

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12 UNITED STATES DISTRICT JUDGE  
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